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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,430	12/30/2003	Husam Kinawi	032930.03	8120
27863	7590	12/01/2005	EXAMINER	
MCNAIR LAW FIRM, PA			LEE, CHUN KUAN	
P.O. BOX 10827			ART UNIT	PAPER NUMBER
GREENVILLE, SC 29603-0827			2181	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/748,430	Applicant(s) KINAWI ET AL.	
	Examiner Chun-Kuan (Mike) Lee	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/30/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings (US Pub.: 2004/0064579) further in view of the "Yahoo! Movies – Just Visiting".

As per claims 1, 9 and 20, Jennings teaches a system and a method providing media data to an output device comprising:

an enhanced service routing processor (ESRP) (Figure 1 and [0043]-[0044] on page 4, where "ESRP" is read on "computer readable medium");

a stream of media data in communications with said ESRP containing media data for at least one packet (Figure 1, [0037]-[0044] on page 4 and [0092] on page 8, where "stream of media data" is read on "set of content", "content" is read on "media data" and "packet" is read on "bandwidth") and associated with reservation identification having media data for at least one reservation identification ([0029] on page 3 and [103]-[110] on page 9, where "reservation identification" is read on "device ID");

a set of computer readable instruction embedded in the name routing processor (NRP) for receiving a media data request from the viewer (Figure 3 and [0068] on page

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6 to [0080] on page 7, where “NRP” is read on “computer readable medium” and “viewer” is read on “output device”);

determining if said received reservation identification is associated with media data in said set of media data ([0029] on page 3 and [103]-[110] on page 9);

generating at least one detection packet for transmission to said viewer if there is no existing statistical information, wherein said statistical information relates to the bandwidth ([0044]-[0045] on page 4 and [103]-[110] on page 9, where if “no existing statistical information” is read on “received device ID is not associated with media data”); and

retrieving the media data according to said reservation identification from said set of media data if said received reservation identification is associated to with the media data ([103]-[110] on page 9).

Jennings does not teach the system and the method providing content to an output device comprising generating at least one detection packet for transmission to said output device, receiving at least one detection packet return from said output device, determining the bandwidth of said output device according to said at least one detection packet and said at least one detection packet return, retrieving content from said set of content according to the bandwidth of said output device for transmission to said output device, so that said output device can receive and display content compatible with the bandwidth of said output device; and

the device ID representing bandwidth capacity for at least one output device.

"Yahoo! Movies – Just Visiting" teaches the system and the method providing content to an output device comprising generating at least one detection packet for transmission to said output device, receiving at least one detection packet return from said output device, determining the bandwidth of said output device according to said at least one detection packet and said at least one detection packet return (please see instruction under "Here's How" and the selection of different connection bandwidth below) so that said output device can receive and display media data compatible with the bandwidth of said output device.

Therefore, it would have been obvious to one of ordinary skill in this art, at the time of invention was made to modify Jennings to include the system and the method providing media data to an output device comprising:

the reservation identification is correlated to the bandwidth capacity for at least one viewer;

generating at least one detection packet for transmitting to said output if said received reservation identification is not associated with media data; and

receiving at least one detection packet return from said output device according to said transmitted detection packet, determining the bandwidth of said viewer according to said at least one detection packet and said at least one detection packet return, retrieving media data from said set of media data according to the bandwidth of

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said viewer for transmission to said viewer, so that said viewer can receive and display content compatible with the bandwidth of said viewer.

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to have modified Jennings by the teaching of “Yahoo! Movies – Just Visiting” to include the system and the method providing media data to an output device comprising:

the reservation identification is correlated to the bandwidth capacity for at least one viewer;

generating at least one detection packet for transmitting to said output if said received reservation identification is not associated with media data; and

receiving at least one detection packet return from said output device according to said transmitted detection packet, determining the bandwidth of said viewer according to said at least one detection packet and said at least one detection packet return, retrieving media data from said set of media data according to the bandwidth of said viewer for transmission to said viewer, so that said viewer can receive and display content compatible with the bandwidth of said viewer, thus would allow an accurate and the proper transmission of the stream media data to the viewer.

As per claim 2, Jennings as modified teaches the system and the method providing media data to an output device comprising wherein said computer readable instructions include instructions for formatting said media data according to the

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bandwidth of said viewer (Jennings, [0036] on pages 3-4 and [0052] on page 5 and "Yahoo! Movies – Just Visiting").

As per claim 3, Jennings as modified teaches the system and the method providing media data to an output device comprising wherein said set of media data contains a plurality of media data versions associated with predetermined bandwidths ("Yahoo! Movies – Just Visiting").

As per claim 4, Jennings as modified teaches the system and the method providing media data to an output device comprising:

said stream of media data contains media data for at least one viewer (Jennings, Figure 1);

said media data request correlates to a reservation identification (Jennings, [0029] on page 3, where "reservation identification" is read on "device ID"); and

said set of computer readable instructions includes instructions for retrieving media data from said stream of media data according to said bandwidth of said viewer and said reservation identification (Jennings, [0029] on page 3, [0035] on page 3 to [0036] on page 4, [0065] on page 6 and [103]-[110] on page 9 and "Yahoo! Movies – Just Visiting").

As per claim 5, Jennings as modified teaches the system and the method providing media data to an output device comprising wherein said media data request

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includes geographical location information representing the geographic location of said viewer; and

said computer readable instructions include instructions for retrieving media data from said stream of media data according to said geographical location information (Jennings, [0044]-[0047] on page 4, and [0062]-[0069] on page 6).

As per claim 6, Jennings as modified teaches the system and the method providing media data to an output device comprising wherein said computer readable instructions include instructions for language translation said media data according to said location information (Jennings, [0038]-[0039] and [0044]-[0047] on page 4, and [0052] on page 5).

As per claim 7, Jennings as modified teaches the system and the method providing media data to an output device comprising:

a plurality of stream of media data (Jennings, [0038]-[0039] on page 4 and [0071]-[0073] on page 6);

said media data request includes media data set information (Jennings, [0038]-[0039] on page 4 and [0103]-[0110] on page 9); and

said computer readable instructions include instructions for retrieving media data from at least one stream of media data according to said media data set information (Jennings, [0038]-[0039] on page 4 and [0103]-[0110] on page 9).



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As per claim 8, Jennings as modified teaches the system and the method providing media data to an output device comprising:

a media archive in communications with said ESRP (Jennings, Figure 8 and [0195]-[0200] on page 15, where “media archive computer” is read on “readable buffer”); and

said computer readable instructions include instructions for storing said retrieved media data in said media archive, regulating transmission of said media data to said viewer according to said bandwidth of said viewer so that media data is provided to said viewer in a controlled manner (Jennings, Figures 6-8, [0186] on page 14 to [0200] on page 15 and “Yahoo! Movies – Just Visiting”).

Claims 10-14 repeat the limitations of claims 4-8 are therefore rejected accordingly.

As per claim 15, Jennings teaches the system and the method providing content to an output device comprising:

receiving the media data request from the viewer (Figure 3 and [0068] on page 6 to [0080] on page 7, where “media data” is read on “content” and “viewer” is read on “output device”); and

providing media data to said viewer ([0103]-[110] on page 9).

Jennings does not teach the system and the method providing content to an output device comprising:

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determining the bandwidth of said output device according to a detection packet and a detection packet return; and

providing media data to said viewer according to the bandwidth of said output device.

"Yahoo! Movies – Just Visiting" teaches the system and the method providing media data to the viewer comprising determining the bandwidth of said viewer according to a detection packet and a detection packet return; and providing media data to said viewer according to the bandwidth of said viewer ("Yahoo! Movies – Just Visiting").

Therefore, it would have been obvious to one of ordinary skill in this art, at the time of invention was made to combine Jennings and "Yahoo! Movies – Just Visiting" according to the reason stated above.

As per claim 16, Jennings as modified teaches the system and the method providing media data to an output device comprising the step of formatting said media data according to the bandwidth of said viewer (Jennings, [0036] on pages 3-4 and [0052] on page 5 and "Yahoo! Movies – Just Visiting").

Claims 17-19 repeat the limitations of claims 5-6 and 8 are therefore rejected accordingly.

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As per claim 21 Jennings as modified teaches the system and the method providing media to an output device comprising wherein said computer readable instructions include instructions for formatting said media data according to said reservation identification (Jennings, [0029] on page 3 and [103]-[110] on page 9).

Claims 22 and 23-26 repeat the limitations of claims 2 and 5-8 are therefore rejected accordingly.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun-Kuan (Mike) Lee whose telephone number is (571) 272-0671 and email is chun-kuan.lee@uspto.gov. The examiner can normally be reached on 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Popovici Dov can be reached on (571)272-4083. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

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Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300


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11/10/2005

  
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